

# **EXHIBIT 5**

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**From:** Provance, Matthew D. <MProvance@mayerbrown.com>  
**Sent:** Monday, November 19, 2018 8:51 AM  
**To:** Nemelka, Michael N.; Ross MacDonald  
**Cc:** SERVICE-EXTERNAL-DMS-MDL  
**Subject:** RE: In re DMS MDL -- Discovery Letter

Mike –

Working to accommodate plaintiffs' schedule, defendants can meet today at 3:00 p.m. (Eastern) but please note that we have a hard stop at 4:00. We appreciate that you would like to discuss CVR custodians/discovery as well as plaintiffs' proposed search terms/custodians for certain pre-2013 discovery from CDK. However, there are multiple discovery issues that defendants have been diligently raising with plaintiffs for some time (in some cases, several weeks), and we expect to discuss those issues first. Further, with respect to both CVR custodians/search terms and pre-2013 search terms/custodians for CDK, those defendants (CDK and CVR) anticipate sending additional correspondence addressing those issues either later today or tomorrow (and in any event before the holiday). That is largely what we would tell you were we to meet-and-confer about those matters this afternoon.

We can use the following dial-in today at 3:00 (Eastern):

(888)299-9913  
4898080

Thanks,  
Matt

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**Matt Provance**  
Mayer Brown LLP  
mprovance@mayerbrown.com  
Tel: 312 701 8598  
Fax: 312 706 9397

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**From:** Nemelka, Michael N. <mnemelka@kelloggghansen.com>  
**Sent:** Monday, November 19, 2018 7:47 AM  
**To:** Ross MacDonald <RMacDonald@gibbsbruns.com>  
**Cc:** SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>  
**Subject:** Re: In re DMS MDL -- Discovery Letter

**\*\*EXTERNAL SENDER\*\***

Dear Counsel,

We are available today at 3:00 pm ET to talk about the issue described below. As also previously requested, we'd like to talk about (1) CVR custodians and discovery from last week's correspondence, and (2) the status of a response on pre-2011 discovery on CDK's data access policies.

Thanks.  
Mike

On Nov 17, 2018, at 1:38 PM, Ross MacDonald <[RMacDonald@gibbsbruns.com](mailto:RMacDonald@gibbsbruns.com)> wrote:

Mike,

In your letter on Friday you offered to meet and confer about the issues we had raised about Authenticom's privilege log on Monday at 2pm EST. A little less than an hour later, you told us that this time no longer worked but that you would propose an alternative time. Can you let us know whether there is another time on Monday when we could meet and confer with you or someone at your firm about this issue? I would guess this call would not take more than 30 minutes. This issue is both discrete and time sensitive given that Mr. Petruzzelli's deposition is scheduled for Nov. 28. We don't believe it should be tethered (or delayed) to fit in with any broader meet and confer about all of the other various discovery issues the parties in this MDL have outstanding.

Thanks,

Ross

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**From:** Nemelka, Michael N. <[mnemelka@kellogghansen.com](mailto:mnemelka@kellogghansen.com)>

**Sent:** Friday, November 16, 2018 3:46 PM

**To:** Ross MacDonald <[RMacDonald@gibbsbruns.com](mailto:RMacDonald@gibbsbruns.com)>; SERVICE-EXTERNAL-DMS-MDL <[SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com](mailto:SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com)>

**Subject:** In re DMS MDL -- Discovery Letter

Ross,

Please see the attached letter.

Thanks,

Mike

Michael N. Nemelka  
Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C.  
1615 M. St. N.W., Suite 400  
Washington, DC 20036  
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